



Department of Health

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MINUTES OF MEETING
HEALTH SERVICES COUNCIL

DATE: 26 February 2013

TIME: 2:30 PM

LOCATION: Department Operations Center
Rhode Island Department of Health

ATTENDANCE:

Name	Present	Absent	Excused
Victoria Almeida, Esq. (Chair)	X		
John J. Barry III	X		
Raymond C. Coia, Esq.	X		
John X. Donahue	X		
Joseph L. Dowling, MD	X		
Roberta Feather, CNS, PhD, JD	X		
Wallace Gernt	X		
Maria R. Gil (Secretary)			X
Catherine E. Graziano, RN, PhD	X		
Robert Hamel, RN	X		
Theresa Jeremiah	X		
Amy Lapierre	X		
Steven Lonardo	X		
Thomas M. Madden, Esq.	X		
Jeanette S. Matrone, RN, PhD	X		
Daniel Orgel, MPA	X		
Denise Panichas			X
Robert Ricci	X		
Reverend Shire (Vice-Chair)	X		
Robert Whiteside		X	

Staff: Valentina D. Adamova, MBA, Edward D'Arezzo, Benjamin Copple, Esq., Michael K. Dexter, MPA, Amy DiFilippo, Joseph G. Miller, Esq., Stephen Morris, Esq.

Public: (Attached)

1. **Call to Order, Approval of Minutes, Conflict of Interest Forms and Time Extension for the Minutes Availability.**

The meeting was called to order at 2:35 PM. Minutes of the Health Services Council meeting of 29 January 2013 were adopted as submitted. The Chair noted that conflict of interest forms are available to any member who may have a conflict. A motion was made and passed by a vote of sixteen in favor and none opposed (16-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Barry, Donahue, Dowling, Feather, Gernt, Graziano, Hamel, Jeremiah, Lapierre, Lonardo, Madden, Matrone, Orgel, Ricci, and Shire.

The Report of the Nominating Committee of the Health Services Council was presented. Victoria Almeida, Esq., was nominated for Chair, Reverend David Shire was nominated for Vice Chair, and Maria Gil was nominated for Secretary. There being no others nominations from the floor, the nominations were closed.

2. General Order of Business

The next item on the agenda was the *Report of the Committee of the Health Services Council on the application of **East Bay Comprehensive Cancer Center, LLC** for certificate of need to provide radiation therapy services in Bristol.* Staff summarized the applications and deliberations of the Committee on this matter. Staff reviewed the information provided for the meeting.

Legal counsel for the applicant gave a power point presentation. Legal counsel to the applicant requested that findings E and F in the report be amended to reflect that the applicant met the criteria. For Finding E, legal counsel to the applicant stated that the \$2,700,720 (51.6%) line of credit represents a form of equity as it is RTSI's contribution and there is no obligation for repayment from the licensee to RTSI. For Finding F, legal counsel to the applicant stated that as a result of the existing 4 facilities, the applicant can use existing resources, including the doctors and the nurses, during the start up period and can rotate those resources if needed, which will provide operating efficiencies.

Following discussion among the Council members and a statement by the legal counsel to the applicant, Ms. Lapierre made a motion to hear the presentation by the consultant, Harvey Zimmerman. Mr. Donahue seconded the motion. The motion passed by a vote of nine in favor, six opposed, and two recused (9-6-2). Those members voting in favor included: Donahue, Feather, Gernt, Graziano, Hamel, Lapierre, Lonardo, Madden, and Shire. Those members opposed included: Barry, Coia, Jeremiah, Matrone, Orgel, and Ricci. Those members recused were: Almeida and Dowling.

Mr. Zimmerman, Spectrum Research Services, Inc. made a presentation and answered questions of the Committee.

Public comments in opposition to the proposal made by Dr. Dugal, Chief of Radiation Oncology at St. Anne's Hospital, and Dr. Oldenburg, President of North Main Radiation Oncology.

A motion was made by Mr. Coia, seconded by Mr. Gernt, and passed by a vote of nine in favor, six opposed and two recusals (9-6-2) to recommend that the application with findings E and F amended be approved subject to the conditions of approval. Those members voting in favor included: Barry, Coia, Gernt, Graziano, Jeremiah, Lonardo, Matrone, Orgel and Ricci. Those

members opposed included: Donahue, Feather, Hamel, Lapierre, Madden, and Shire. Those members recused were: Almeida and Dowling.

2. Adjournment

There being no further business, the meeting was adjourned at 4:00 PM.

Respectfully submitted,

A handwritten signature in black ink, reading "Valentina D. Adamova". The signature is written in a cursive, flowing style.

Valentina D. Adamova, MBA
(Acting) Chief Health Program Evaluator
Office of Health Systems Development